

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: George K. Wai

Serial No.: 08/689,193

Examiner: P. Chin

Filed: August 8, 1996

Art Unit: 1731

Docket No.: Case 5404

Title: PITCH CONTROL COMPOSITIONS

**SUPPLEMENTAL PETITION TO REVIVE AN ABANDONED APPLICATION
UNDER 37 U.S.C. §1.137 (b)**Via Facsimile: 703-308-6916

Attn: Office of Petitions

Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

FAX RECEIVED

JAN 30 2003

PETITIONS OFFICE

Dear Sir:

This is a petition to revive an abandoned application under 37 C.F.R. §1.137 (b). Applicants were sent a Notice of Abandonment on November 20, 1998 informing Applicants that the issue fee for the application was not paid. Applicants filed a Petition to Revive the application on December 7, 1998. The Petition was faxed to the United States Patent and Trademark Office and also sent by regular mail. A copy of this Petition is enclosed.

A follow-up to the Petition to Revive was evidently not placed on the Attorney's docket handling this matter for Applicant. Applicant's attorney discovered that the Petition to Revive had never been acted on when he was reviewing the file after he received some correspondence on January 22, 2003 from a Canadian associate, who was handling the Canadian counterpart application.

-2-

Applicants' attorney states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

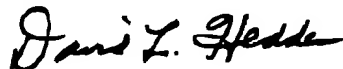
Applicants authorize the Commissioner to charge deposit account 01-2530 in the amount \$1,240.00, which is the fee charged to revive an unintentionally abandoned application.

Applicants further authorize the Commissioner to charge deposit account 01-2530 in the amount of \$1,320.00, which is the issue fee due.

Although it is believed that no additional fees are due, the Commissioner of Patents and Trademarks is authorized to charge deposit account 01-2530 for any fees due in connection with this petition and reviving the application, including any extensions of time.

It is not believed that a terminal disclaimer is required in this situation, since the patent application was filed after June 8, 1995, and the term of the patent will expire twenty years from the date the application was filed.

Respectfully submitted,



David L. Hedden

Attorney for Applicants
Reg. No. 29,388

Ashland Inc.
P.O. Box 2219
Columbus, Ohio 43216

Phone: (614) 790-4265
Fax: (614) 790-4268
e-mail: dlhedden@ashland.com

January 30, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: George K. Wai

Serial No.: 08/689,193

Examiner: P. Chin

Filed: August 8, 1996

Art Unit: 1303

Docket No.: Case 5404

Title: PITCH CONTROL COMPOSITION

FAX RECEIVED

JAN 30 2003

PETITIONS OFFICE

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 U.S.C. §1.137 (b)**

Via Facsimile: 703-305-8825

Attn: Office of Petitions

Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

Dear Sir:

This is a petition to revive an unintentionally abandoned application. A Notice of Abandonment (copy enclosed) was sent to Applicants on November 20, 1998 informing Applicants that the issue fee for the application was not paid. Applicants' attorney reviewed his files and it appears that the case was mistakenly removed from his docket before the issue fee was paid. (A copy of the Notice to Pay Issue Fee is also enclosed.) The abandonment of this application was unintentional.

-2-

Please charge deposit account 01-2530 in the amount \$1,320.00 for payment of the issue fee and \$1,320.00 which is the fee charged revive an unintentionally abandoned application. Although it is believed that no additional fees are due, the Commissioner of Patents and Trademarks is authorized to charge deposit account 01-2530 for any fees due in connection with this petition and reviving the application.

Respectfully submitted,



David L. Hedden

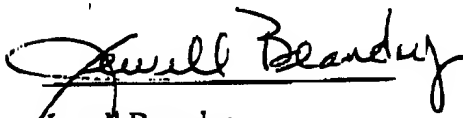
Attorney for Ashland Chemical Company
Registration No. 29,388

Ashland Chemical Company
P.O. Box 2219
Columbus, Ohio 43216

Phone: (614) 790-4265
Fax:: (614) 790-4268

CERTIFICATE OF MAILING

I hereby certify that this PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 U.S.C. §1.137 (b) is being deposited with the United States Postal Service on December 7, 1998 with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.


Jewell Beaudry


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/688,120 08-03/98 WAI

5404

 DAVID L. REDDEN
 ASHLAND CHEMICAL COMPANY
 P.O. BOX 2219
 COLUMBUS OH 43216

784 171120

EXAMINER

CHIN, P.

ART UNIT

PAPER NUMBER

1701 08

DATE MAILED:

FAX RECEIVED

11/20/98

NOTICE OF ABANDONMENT

JAN 30 2003

PATENT

NOV 30 1998

DEPT.

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on PETITIONS OFFICE.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☒ The issue fee has not been received.

- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.

- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

 Please TERRY
 Approved by the Branch
 1/30/2003


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
PATENT

JUN 22 1998

DEPT.

FAX RECEIVED

JAN 30 2003

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

IM3170618

DAVID L. HEDDEN
 ASHLAND CHEMICAL COMPANY
 P O BOX 2219
 COLUMBUS OH 43216

PETITIONS OFFICE

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
177533-170	06/03/98	010	CHIN, P	1731 06/18/98
WAT. GEORGE H.				

First Named Applicant
 PITCH CONTROL COMPOSITION
 TITLE OF INVENTION

ATTYS DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	182-048.000	P48	UTILITY	NO	\$1320.00	09/18/98

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
 If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

YOUR COPY

***** -COMM -***** DATE DEC-07-1998 TIME 10:58 *** P.01

MODE = MEMORY TRANSMISSION

START=DEC-07 10:56

END=DEC-07 10:58

FILE NO. = 054

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-ASHLAND CHEMICAL LAW -

***** -614 790 4268 - ***** 614 790 4268- *****



Law Department
David L. Hedden
Division Patent,
Trademark and
Copyright Counsel
(614) 790-4265

Ashland Chemical Company
Division of
Ashland Inc.

Address Reply:
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TELECOPIER MESSAGE

DATE: December 7, 1998

FROM: David L. Hedden

SEND TO:

COMPANY: Box DAC
Commissioner of Patents & Trademarks

AT FACSIMILE NO: 91 703 305 8825

CITY AND STATE/COUNTRY:

NO. PAGES INCLUDING COVER SHEET 5

IF YOU HAVE ANY QUESTIONS, PLEASE CALL:

Ashland Chemical Company
Law Department
Dublin, Ohio
(614) 790-3945 - Jewell Beaudry
Telecopy No.: (614) 790-4268 - Panafax 600

THIS TRANSMISSION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THIS TRANSMISSION HAS REACHED YOU IN ERROR, PLEASE IMMEDIATELY CONTACT THE SENDER BY TELEPHONE AT THE NUMBER LISTED ABOVE. UNAUTHORIZED DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.


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A Responsible Choice

TOTAL P.07